

REMARKS

Claims 1-24 are pending in this application. Claims 1 and 24 are the independent claims. Claims 1 and 24 are amended. Reconsideration and allowance of the present application are respectfully requested.

Statement Under 37 C.F.R. §1.133(b)

In response to the telephonic interview conducted May 26, 2009 and the Interview Summary dated June 3, 2009, Applicant wishes to thank the Examiner for the courtesies extended during the interview. Applicant has reviewed the Interview Summary and has found it to be substantially accurate in describing the substance of the interview. During the interview the Examiner indicated for the first time that independent claims 1 and 24 are method claims that are not tied to a particular machine or transformation, as required under 35 U.S.C. §101, per the ruling in In Re Bilski.¹ Applicant has therefore amended independent claims 1 and 24 in order to tie these methods claims to a particular machine, to ensure that these claims are patentable under 35 U.S.C. §101.

Rejections under 35 U.S.C. §103 – Rezaifar in view of Sunder

Claims 1 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2003/0206538 ("Rezaifar") in view of U.S. Patent Publication 2003/0188160 ("Sunder"). This rejection is respectfully traversed.

With regard to independent claim 1, the Examiner asserts that Rezaifar discloses all of the claim limitations with the exception that Rezaifar fails to teach

¹ See In Re Bilski, 545 F.3d 943 (C.A.Fed., 2008).

based on a value of a second cryptosync, the second cryptosync having a life extending over multiple communication sessions. The Examiner asserts that Sunder discloses this missing limitation. Applicant asserts that Rezaifar in view of Sunder does not teach or suggest “deriving, at a network element, a value of a first cryptosync for the communication session, the first cryptosync having a life limited to the communication session, based on a value of a second cryptosync, the second cryptosync having a life extending over multiple communication sessions,” as recited in claim 1.

With regard to the Rezaifar published application, Applicant submits that Rezaifar only discloses a method of encrypting transmissions where a new cryptosync is used for each communication session. Applicant therefore asserts that Rezaifar does not disclose a “second cryptosync” with a life extending over “multiple communication sessions,” as recited in claim 1. Applicant asserts that a review of Sunder indicates that Sunder does not remedy this deficiency of Rezaifar. Specifically, Applicant asserts that Sunder discloses a method to securely update software files of mobile users using a customized connection application such as a customized dialer, the software files being updated once a user accesses a network-based communication facility. Sunder uses a private/public encryption key pair to generate signature files for each update file (an update file being a file the network wishes to load onto the mobile users system, the next time the user accesses the network). As disclosed in at least paragraph [0194], Sunder discloses that users may have outdated versions of public key files (for example, in those cases where a user has not accessed the network for potentially a length period of time), in which case the system may still consider such outdated public key files to be valid as the system “migrates” users to the

new/updated encryption keys. Sunder's acceptance of outdated public key files (the outdated public key files being associated with an outdated encryption key) does not teach or suggest "deriving, at a network element, a value of a first cryptosync for the communication session ... based on a value of a second cryptosync," as recited in claim 1. Specifically, Sunder does not disclose any relationship between "a first cryptosync" and "a second cryptosync," much less deriving a first cryptosync "based on a value of a second cryptosync," as recited in claim 1. Further, because Sunder only pertains to updating user software, Sunder therefore does not provide any relationship between the life of a cryptosync and a "communication session." Specifically, the concept of a "communication session" does not pertain to Sunder, as Sunder only updates encrypted software files as remote users access a network. Because Sunder only discloses accepting outdated public key files, and because Sunder provides no relationship between the life of a cryptosync and a "communication session," Applicant therefore asserts that Sunder does not teach or suggest "deriving a value of a first cryptosync for the communication session ... based on a value of a second cryptosync, the second cryptosync having a life extending over multiple communication sessions," as recited in claim 1. For at least these reasons, Applicant asserts that neither Rezaifar, nor Sunder, either singly or in combination with each other, teach or suggest "deriving, at a network element, a value of a first cryptosync for the communication session, the first cryptosync having a life limited to the communication session, based on a value of a second cryptosync, the second cryptosync having a life extending over multiple communication sessions," as recited in claim 1.

With regard to independent claim 24, Applicant asserts that claim 24 contains features similar to claim 1 such that at least the same arguments can be made.

For at least the reasons stated above related to independent claims 1 and 24, Applicant asserts that these claims are patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

Rejections under 35 U.S.C. §103 – Rezaiifar in view of Sunder and Rezaiifar et al.

Claims 2-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rezaiifar in view of Sunder in further view of U.S. Patent 6,980,658 (“Rezaiifar et al.”). This rejection is respectfully traversed.

The Examiner uses Rezaiifar ‘658 to teach the second cryptosync is used for message encryption by at least one of the two devices. With regard to independent claims 1 and 24, Applicant asserts that these claims are patentable over Rezaiifar in view of Sunder for at least the reasons stated above. Applicant asserts that a review of Rezaiifar ‘658 indicates that Rezaiifar ‘658 does not remedy the deficiencies of Rezaiifar in view of Sunder, as stated above. Therefore, Applicant asserts that independent claims 1 and 24 are patentable over any and all combinations of Rezaiifar, Sunder, and Rezaiifar ‘658.

For at least the reasons stated above related to independent claims 1 and 24, Applicant asserts that these claims are patentable. Due at least to the dependence of claims 2-23 on the independent claims, Applicant also asserts that these claims are

patentable. Therefore, Applicant respectfully requests that this art ground of rejection of these claims under 35 U.S.C. §103 be withdrawn.

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CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

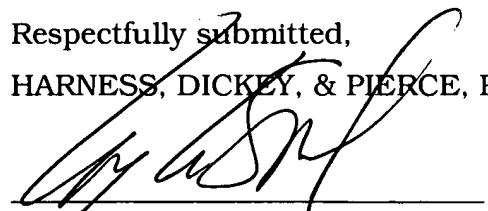
Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a two (2) month extension of time for filing a reply to the February 25, 2009 Office Action, and submit the required \$490 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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